THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.6958 OF 2006

DATED: 09-02-2007

Between:

A. Rajamani and others

.. Petitioners

and

The Government of Andhra Pradesh Education (UE.I-1) Department represented by its Secretary and others

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.6958 OF 2006

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the 1st respondent in not approving the implementation of Heavy Vehicle Scale of pay to the petitioners, as illegal and arbitrary; and consequently to direct the 1st respondent to approve the Heavy Vehicle Scale of pay to the petitioners and also to pay the arrears to the petitioners.

It appears, the petitioners are all working as drivers in the 2nd respondent-University. They possess Heavy Vehicle Driving Licenses and, hence, they are being engaged to drive heavy vehicles of the University. But, they were not being paid Heavy Vehicle Scale of Pay. Therefore, they made a representation and the same was recommended to the 1st respondent. The Government, after careful consideration of the recommendations made by the University, issued G.O.Ms.No.192 dated 07.12.2006, which reads as under:

> "Hence the Government, after careful consideration of the matter, hereby issue the following orders:
>
> i) the University shall allot the available Heavy Vehicles @ one each to the drivers having Heavy Vehicle Driving License and who are willing to drive Heavy Vehicles, as per the inter-se seniority among all the University Drivers. Only such drivers shall be paid Heavy Vehicle

Scale of Pay. The rest of the drivers shall be allotted light vehicles and paid the corresponding Light Vehicle Scale of Pay.

ii) the amount paid in excess till date, if any, by drawing the higher scale attached to Heavy Vehicle Drivers, even though pay was due as per Light Vehicle Driver pay scale, shall be booked to the Universities' own funds and Grant-in-aid, used for this purpose, if any, so far shall be remitted to the Government account by 31-12-2006 and compliance reported to Government.

From a reading of the above G.O., it is clear that the persons, who are having Heavy Vehicle Driving License and willing to drive heavy vehicles, may be allotted heavy vehicles as per the inter-se seniority among the University Drivers and paid Heavy Vehicle Scale of Pay; and the rest of the drivers shall be allotted light vehicles and pay the corresponding Light Vehicle Scale of Pay. Thus, insofar as the petitioners are concerned, according to the learned counsel for the petitioners, since they all possess Heavy Vehicle Driving License and are willing to work as Heavy Vehicle Drivers, they are being paid Heavy Vehicle Scale of Pay. Thus, there is no difficulty for the petitioners in getting the Heavy Vehicle Scale of Pay. But, it is their grievance that they have been working since number of years as Heavy Vehicle Drivers, as such they are also entitled for arrears.

In view of the above, without expressing any opinion on merits, the petitioners are directed to make a detailed representation seeking arrears of salary for the services rendered by them as Heavy Vehicle drivers, before the 2nd respondent. On such representation being made, the 2nd respondent -University shall consider the same within a period of three months thereafter and communicate to the petitioners.

With the above direction, the writ petition is disposed of. No costs.

C.V. RAMULU, J

9th February, 2007.
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